

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

HELEN E. MARSH, Regional Director
of the Third Region of the National Labor
Relations Board for and on behalf of the
NATIONAL LABOR RELATIONS BOARD,

Petitioner,

v.

ORDER
05-CV-768S

HEALTHCARE SERVICES GROUP, INC.,
AARON MANOR REHABILITATION AND
NURSING CENTER, LLC, and UNITED
FOOD AND COMMERCIAL WORKERS,
LOCAL 1,

Respondents.

1. On October 25, 2005, Helen E. Marsh moved, under Rule 83.1(j) of the Local Rules of Civil Procedure of the United States District Court of the Western District of New York, for the admission of Lillian Kleingardner, Esq. to appear on behalf of the National Labor Relations Board in this action. The motion was accompanied by the declaration of Lillian Kleingardner. Ms. Kleingardner filed a further declaration, titled "Petition for Admission Pro Hac Vice in Civil No. 05-CV-768S(Sr)," on October 28, 2005.

2. Admission of government attorneys in this district is governed by Local Rule 83.1(j), which states, in pertinent part, that "attorneys employed by a federal agency[] shall be admitted to practice before the Court on any matter within the scope of such employment." Unlike other of the rule's subdivisions—e.g., 83.1(f) and 83.1(i)—subdivision (j) does not require the filing of a motion by a sponsoring attorney or a verified petition from the government attorney assigned to the case. Quite simply, attorneys employed by a federal agency **shall** be admitted to practice so long as the action in which they seek to

appear falls within the scope of their government employment.

3. Accordingly, the motion for the admission of Lillian Kleingardner is dismissed as unnecessary. Any NLRB attorney, other than Helen E. Marsh, whom the NLRB assigns to appear in connection with this case must file with the Clerk a written notice of appearance as required by Local Rule 83.2(b).

IT HEREBY IS ORDERED, that the Motion for Admission of Lillian Kleingardner (Docket No. 6) is DENIED as unnecessary.

SO ORDERED.

Dated: November 8, 2005
Buffalo, New York

/s/William M. Skretny
WILLIAM M. SKRETNY
United States District Judge